

Att'y Ref. No. 011-001U.S. App. No.: 10/770,402**REMARKS**

Favorable reconsideration, reexamination, and allowance of the present patent application are respectfully requested in view of the foregoing amendments and the following remarks.

Allowable Subject Matter

Applicant gratefully acknowledges the indication, at page 3 of the Office Action, that the subject matters of Claims 2-8 are free of the prior art. By way of the foregoing amendments, Claims 2 and 3 have been placed in independent form, including the subject matters of independent Claim 1 from which they each depended.

Information Disclosure Statement (IDS)

Applicant filed an IDS on 20 July 2004, and notes that the Office Action did not acknowledge receipt or consideration of the document cited therein. Applicant has reviewed the Image File Wrapper (IFW) for this application, and has confirmed that all 7 pages of the IDS were received and are in the IFW. Applicant therefore respectfully requests consideration of the document cited therein, and return to Applicant of a copy of the Examiner-initialed PTO-1449.

Objection to the Specification

At page 2 of the Office Action, two typographical errors in the Specification were noted. Applicant has corrected the passages of the specification, and respectfully submits that the Specification is not objectionable.

Rejections under 35 U.S.C. §§ 102, 103

In the Office Action, beginning at page 2, Claims 1, 9, and 10 were rejected under 35 U.S.C. §§ 102, 103, as reciting subject matters that allegedly are anticipated by, or obvious in view of, U.S. Patent Nos. 5,471,347 and 5,610,770, both issued to Galiani. Applicant respectfully requests reconsideration of these rejections.

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While Applicant disagrees with the negative patentability characterizations contained in the Office Action, in an effort to expedite prosecution of the application towards passage to issue, Applicant has placed Claims 2 and 3 in independent form (the subject matter of Claim 2 has been added to Claim 1, and Claim 2 canceled). As Claims 2 and 3 were free of the prior art, the rejections over *Galiani* are moot. According, Applicant respectfully submits that the subject matters of Claims 1 and 3-10 are not anticipated by, or rendered obvious in view of, *Galiani*, are therefore not unpatentable under 35 U.S.C. §§ 102, 103, and therefore respectfully requests withdrawal of the rejection thereof under 35 U.S.C. §§ 102, 103.

New Claims

New Claims 11 and 12 have been added, which are based on original Claims 9 and 10 but instead depend from Claim 3. Claims 11 and 12 are allowable for at least the same reasons as Claim 3.

Conclusion

Applicant respectfully submits that the present patent application is in condition for allowance. An early indication of the allowability of this patent application is therefore respectfully solicited.

If the patent examiner believes that a telephone conference with the undersigned would expedite passage of this patent application to issue, they are invited to call on the number below.

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It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. If, however, additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and the Commissioner is hereby authorized to charge fees necessitated by this paper, and to credit all refunds and overpayments, to our Deposit Account 50-2821.

Respectfully submitted,

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